

THE HONORABLE BENJAMIN H. SETTLE

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CHERYL ROBBINS BERG, as Litigation
Guardian ad Litem for C.K.M.,

Plaintiff,

vs.

BETHEL SCHOOL DISTRICT,

Defendant.

NO. 3:18-CV-05345-BHS

JURY VERDICT FORM

We, the Jury, answer the questions submitted by the Court as follows:

Question 1. Did Defendant violate Plaintiff's constitutional rights to equal protection under the Fourteenth Amendment by failing to enforce the District's sexual harassment policy due to her physical or mental disability?

Answer: X Yes No

Go to Question No. 2.

Question 2. Did Defendant violate Plaintiff's constitutional rights to her own bodily integrity under the Fourteenth Amendment by failing to report David's ongoing sexual abuse

and harassment under Washington State's mandatory reporter law and the District's Mandatory Reporter policy?

Answer: ☒ Yes ☐ No

Go to Question No. 3.

Question 3. Did Defendant violate Title IX by failing to stop the known harassment of Plaintiff by David?

Answer: ☐ Yes ☒ No

Go to Question No. 4.

Question 4. Did Defendant violate Washington's Law Against Discrimination by treating special education student Plaintiff differently because of her physical or mental disability than the district treated typically functioning students?

Answer: ☐ Yes ☒ No

Go to Question No. 5.

Question 5. Was Defendant negligent in failing to protect Plaintiff from David?

Answer: ☒ Yes ☐ No

If you answer "no" to Questions 1 through 5, electronically sign and return this verdict form. If you answer "yes" to either Question 1, Question 2, Question 3, Question 4, or Question 5, then answer Question 6.

Question 6. If Plaintiff suffered damages for pain and suffering due to Defendant's violation of any or all of the following, her due process rights, equal protection rights, Title IX rights, WLAD rights, or due to the defendant's negligence, what is the total amount of damages that should be awarded to Plaintiff as compensatory damages for pain and suffering?

Answer: \$ 500,000.00

Go to Question 7.

1 **Question 7.** Is Plaintiff likely to incur future reasonable medical and counseling expenses
2 as a proximate cause of any or all of the following: Defendant's violation of her due process
3 rights, equal protection rights, Title IX rights, WLAD rights, or due to negligence?

4 Answer: _____ Yes X No
5

6 *If you answer "no" to Question No. 7, electronically sign and return this verdict form. If you*
7 *answer "yes" to Question No. 7, then answer Question No. 8.*

8 **Question 8.** If Plaintiff is likely to incur future reasonable medical and counseling
9 expenses, what is the amount that should be awarded for her future medical and counseling
10 expenses?

11 Answer: \$ _____

12 Date and sign the form and advise the Court that you have reached a verdict.

13 DATED this 20 day of October, 2021.
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